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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,348	07/10/2001	Luis M. Ortiz	O&L 1000-1058	8886

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EXAMINER
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CATHEY II, PATRICK H

ART UNIT	PAPER NUMBER
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2613

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DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,348

Applicant(s)

ORTIZ ET AL.

Examiner

Patrick H. Cathey II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☒ Claim(s) 3,29,31,37 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### ***Claim Objections***

Claim 3 is objected to because of the following informalities: Claim 3 is stating the same information as Claim 2. Claim 3 should be removed and the appropriate renumbering of claims and dependencies of claims must be addressed. Appropriate correction is required.

Claim's 29, 31, 37 and 39 are objected to because of the following informalities: the claim numbers dependent upon the amended claim numbering must be corrected to correspond to the amended claim numbering. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim's 1-4, 6-13, 18-23, 26-29, 32, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson, Jr. et al. (US 6,578,203).

Anderson, Jr. et al. teaches a device that has at least one video and audio signal received by an interfacing device (Column 3, lines 8-10). He also shows that each of the received video signals can show the event at a venue in a different perspective

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(Column 3, lines 10-15). He then teaches about combining the audio and video signals together to make the signal received by the viewer of the event (Column 4, lines 31-46). He then teaches the use of a wireless transmitter to transmit the combined signal to the receivers (Column 4, lines 46-54). This wireless transmission may also be incorporated in a networking system so that these combined signals may be viewed around the world (Column 6, lines 49-55). The receiver is taught to be a head mount display system that include a display screen and speaker. When the combined signal is transmitted via a wireless transmitter, the receiver is portable (Column 5, lines 22-38). This receiver includes buttons or other types of switches to control the combined signal the user desires to view and listen to during an event (Column 5, lines 38-46).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 5, 14, 16, 17, 24, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Hendricks et al. (US 6,675,386).

As for Claim's 5 and 24, Anderson, Jr. et al. fails to teach a camera that takes wide-angle video data, but Hendricks et al. does (Column 11, lines 13-21). Since the wide angle lens just gives you a wider viewing scene of an event it would have been

obvious to one of ordinary skill to make at least one of their cameras at an event a wide angle camera in order to capture a wider viewing range.

The high-resolution part of the wide-angle video data would be a minor upgrade to the video camera and would only require one to spend the additional money for the high-resolution camera. Therefore it would be obvious to one of ordinary skill to have high-resolution wide-angle video data as opposed to just wide-angle video data.

(Official Notice)

As for Claim's 16, 17, 34 and 35, Anderson, Jr. et al. fails to include advertisements and promotional information in his device, but Hendricks et al. does (Column 16, lines 37-43; see also Figure 12). Since one would be able to include advertisements and promotional information to viewers very easily if they were broadcasting their signal over a wireless communication network to many viewers it would be obvious to one of ordinary skill to add these advertisements or promotional information if one wanted to disrupt the broadcast of their event to advertise their product or anything else of the case.

As for Claim 14, the use of the portable device taught by Anderson, Jr. et al. is to be used while attending an event. Although Anderson, Jr. et al. fails to specifically teach that the combined signal sent to the receiver is of real time data, Hendricks et al. does (Column 9, lines 24-30). Since a real time image would be necessary if you were attending the event of the video image you are receiving it would have been obvious to one of ordinary skill to have the signal be real time data so that the user at the event can view the image as it is happening.

Claim's 15 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Jain et al. (US 5,729,471).

Anderson, Jr. et al. fails to teach an instant replay option for the users of his device, but Jain et al. does (Column 18, lines 61-65). Since the instant replay is a minor change in the options menu a user could have to view the information that has already taken place at a later time, it would be would obvious to one or ordinary skill to add the instant replay option to their display.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of McClintock (US 5,598,208).

Anderson, Jr. et al. fails to teach the use of at least one wireless video camera in his device, but McClintock does (Column 5, lines 9-14). Since the use of a wireless video camera performs the same as another camera with wires it would be obvious to one of ordinary skill to use a wireless camera in an event where a wireless camera is the only option available.

Claim's 30, 31, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, Jr. et al. in view of Blanchard et al. (US 6,782,102).

Anderson, Jr. et al. fails to teach a security system in his device to be used over the transmission of his signals that includes an encryption module that encrypts his data prior to transmission, but Blanchard et al. does (Column 2, lines 9-22). Blanchard et al.

shows that it is common and well known to use the encryption algorithm. Since the encryption and security device are used to apply additional security so that it is more difficult for others to view the information you are transmitting it would be obvious to one of ordinary skill to apply a security method that uses an encryption algorithm to secure the data being transmitted.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hsieh (US 6,400,264) teaches a neighborhood security system that is used at a certain site that has multiple cameras that can transmit their information to a portable device.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (703) 305-4909. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 503-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II  
Examiner  
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